

**IN THE EASTERN CARIBBEAN SUPREME COURT  
HIGH COURT OF JUSTICE  
BRITISH VIRGIN ISLANDS  
COMMERCIAL DIVISION**



**CLAIM NO: BVI HC (COM) 2010/ 107**

**BETWEEN:**

**Trade and Commerce Bank (In Official Liquidation)  
(a company incorporated in the Cayman Islands)**

**Claimant**

**and**

**Kesten Development Corporation**

**Defendant**

**CLAIM FORM**

The Claimant, Trade and Commerce Bank (In Official Liquidation) care of Zolfo Cooper (Cayman) Limited, P.O. Box 1102 GT, 4th Floor, Building 3, Cayman Financial Centre, Grand Cayman, Cayman Islands, claims against the Defendant care of Sucre & Sucre Trust Limited, Chera Chambers, Main Street, P.O. Box 3163, Road Town, Tortola, British Virgin Islands, for:

- (1) Restitution to it by the Defendant of the sum of US\$15,936,369; and
- (2) Costs.

**NOTICE TO THE DEFENDANT – See the notes served with this claim form**

This claim form must contain or have served with it either a statement of claim or a copy of a court order entitling the claimant to serve the claim form without a statement of claim.

If you do not complete the form of acknowledgement of service served on you with this claim form and deliver or send it to the court office (address below) so that they receive it within 14 days of service of this claim form on you, the Claimant will be entitled to apply to have judgment entered against you. The form of acknowledgement of service may be completed by you or a legal practitioner acting for you.

You should consider obtaining legal advice with regard to this claim

This claim form has no validity if it is not served within 6 months of the date below unless it is accompanied by an order extending that time.

Dated the 18<sup>th</sup> day of August 2010



Daniel Waldek

**FORBES HARE**

**Legal Practitioners for the Claimant**

The Claimant's solicitors are Forbes Hare, Palm Grove House, P.O. Box 4649, Road Town, Tortola. Tel: +1 284 494 1890. Fascimile: +1284 494 1316

The court office is at Main Street, Road Town, Tortola, British Virgin Islands telephone number 494 3492, Fascimile 494 6664. The office is open between 9:00am and 4:30pm Monday to Friday except public holidays.

The Claimant's address for service is c/o Forbes Hare, Palm Grove House, P.O. Box 4649, Road Town, Tortola. Tel: 494 1890. Fascimile: 494 1316